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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,278	01/04/2002	Yoshiharu Omura	771,057	6826

7590

08/24/2005

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EXAMINER

SMALLEY, JAMES N

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/038,278	Applicant(s) OMURA, YOSHIHARU	
	Examiner James N. Smalley	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 June 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Traub, Sr. et al. US 5,819,973 in view of Kyo JP 11-321862 and in view of Bozek US 3,554,400.

Traub '973 teaches a can lid comprising auxiliary support (14) radially aligned with a support (12), and a raised end (28) of the tab.

Traub '973 fails to teach a raised first end of the tab.

Kyo '862 teaches it is known to provide a raised first end in addition to a raised second end, providing a means for a user to depress the front of the tab to lever up the back end of the tab and make grasping the back end easier.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tab of Traub '973, providing a raised front end, as taught by Kyo '862, motivated by the benefit of providing a means for a user to depress and raise the back end of the tab to more easily grasp the tab.

Furthermore, Traub '973 fails to teach a plurality of wrinkles.

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Bozek '400 teaches concentric wrinkles/ribs (31) and (32) which are taught to strengthen the top of cans for beer and other beverages.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the can end of Traub '973, providing the concentric ribs taught by Bozek '400, motivated by the benefit of strengthening the top of the can.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Traub, Sr. et al. US 5,819,973 in view of Hall US 5,947,317 and in view of Bozek US 3,554,400.

Traub '973 teaches a can lid comprising auxiliary support (14) radially aligned with a support (12), and a raised end (28) of the tab.

Traub '973 fails to teach a raised first end of the tab.

Hall '317 teaches it is known to raise the front end of a beverage can tab in order to provide a fulcrum to assist a user in raising the back end of the tab.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tab of Traub '973, providing a raised front end, as taught by Hall '317, motivated by the benefit of providing a means for a user to depress so as to raise the back end of the tab and more easily grasp the tab to open the can.

Furthermore, Traub '973 fails to teach a plurality of wrinkles.

Bozek '400 teaches concentric wrinkles/ribs (31) and (32) which are taught to strengthen the top of cans for beer and other beverages.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the can end of Traub '973, providing the concentric ribs taught by Bozek '400, motivated by the benefit of strengthening the top of the can.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

See attached PTO-892, citing relevant references.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N. Smalley whose telephone number is (571) 272-4547. The examiner can normally be reached on M-Th 9-6:30, Alternate Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jns


NATHAN J. NEWHOUSE
PRIMARY EXAMINER